

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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October 8, 2015

MEMO TO COUNSEL RE: Carol Oney v. PennyMac
Civil No. ELH-15-1525

Dear Counsel:

This case is being transferred from Judge Hollander because of an imbalance of caseload.

I have reviewed the memoranda submitted in connection with defendant's motion to dismiss the first amended complaint. The motion (document 8) is granted but plaintiff is granted leave to file a second amended complaint. The second amended complaint should be filed on or before October 22, 2015. In drafting the second amended complaint, plaintiff should follow the following guidelines.

First, plaintiff should allege, as required by *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007), the specific facts showing that circumstances had changed between the time of the issuance of Judge Hollander's ruling in 12-752 that plaintiff's counsel is inadequate to represent the proposed class. If no such allegations are made, the class allegations will be stricken.

Second, the second amended complaint should not include any allegations pertaining to Christie Ademiluyi since those allegations are irrelevant to the claims asserted by plaintiff.

Third, plaintiff should state, again as required by *Bell Atlantic v. Twombly*, the specific facts that support the conclusory averment that PennyMac made collection efforts against her prior to being licensed in Maryland. Likewise, plaintiff is requested to make specific allegations concerning the status of the loan as of the time that it was purchased by PennyMac. In that regard plaintiff's counsel is reminded of the obligations imposed by Fed. R. Civ. P. 11.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,


J. Frederick Motz
United States District Judge

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